

CHAPTER 31 CIVIL INFRACTIONS: ADMINISTRATIVE PROCEDURES

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3100 GENERAL PROVISIONS

- 3100.1 This chapter shall set forth the administrative procedures implementing the Act. The Schedule of Fines, which establishes the civil penalties for specific infractions subject to administrative adjudication under the Act, is in Chapter 32 of this title.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code §6701 *et seq.* (1986 Supp.), and Mayor's Order 86-38, issued March 4, 1986, 33 DCR 1823 (March 21, 1986).

SOURCE: Final Rulemaking published at 34 DCR 5718 (September 4, 1987).

3101 NOTICE OF INFRACTION

- 3101.1 A Notice of Infraction (NOI) shall be in a form prescribed by the Director.
- 3101.2 A properly completed NOI signed by the issuing agent shall be prima facie evidence of the validity of the issuance and the truth of the facts alleged in the NOI.
- 3101.3 An NOI shall include the following:

- (a) The name and address of the respondent;

- (b) A citation to the law or rule that the respondent allegedly violated;
 - (c) The nature, time, and place of the infraction;
 - (d) The amount of the fine applicable to the infraction;
 - (e) Notification of the following:
 - (1) That the fine must be paid within fifteen (15) days of the date the NOI is served on the respondent;
 - (2) That, if the respondent fails to pay the fine or request a hearing within fifteen (15) days of the date the NOI is served on the respondent, a penalty equal to the amount of the fine may be imposed and the respondent's license or permit may be suspended until the fine and penalty have been paid;
 - (3) That the respondent has the right to request a hearing on the infraction charged in the NOI, and the procedure for requesting a hearing;
 - (4) That the acceptable forms of payment are as follows:
 - (A) Cash, which is not acceptable by mail; or
 - (B) A personal check, company check, certified check, cashier's check, postal money order, or bank money order payable to the order of the District of Columbia Treasurer; and
 - (5) That, if the respondent admits the infraction or admits the infraction with explanation, the respondent is required to certify that each infraction on the NOI has been abated; and
 - (f) Any other information that the Director may require.
- 3101.4 When the fine appearing on the NOI is inconsistent with the applicable fine listed on the approved schedule of fines, the respondent shall be subject to liability only for the lesser fine.
- 3101.5 The Director may issue and serve an amended NOI for a repeat infraction at any time prior to the decision of the administrative law judge (ALJ) on the infraction, or the respondent's admission of the infraction and payment of the fine indicated on the NOI. The respondent shall answer an amended NOI pursuant to §3103.
- 3101.6 Unless otherwise prescribed by law, an NOI shall be issued by the Director upon observance of an infraction. When applicable provisions of law require that a respondent be given a certain period of time to abate a violation, an NOI shall not be issued until that period of time has elapsed.

SOURCE: Final Rulemaking published at 34 DCR 5718 (September 4, 1987).

3102 SERVICE OF THE NOTICE OF INFRACTION

3102.1 The Director shall effect service of an NOI on a respondent by one of the following methods:

- (a) Personal service on the respondent or respondent's agent;
- (b) Delivering the NOI to the last known home or business address of the respondent or respondent's agent and leaving it with a person over the age of sixteen (16) years old residing or employed therein; or
- (c) Mailing the NOI to the last known home or business address of the respondent or respondent's agent.

3102.2 Proof of service shall state the name and address of the person on whom service is made and the manner and date of service.

3102.3 Proof of service includes any of the following:

- (a) The certificate of service signed by the issuing agent;
- (b) A return receipt or certificate of mailing, if service is by mail; or
- (c) A written acknowledgement by the respondent or respondent's agent.

3102.4 For purposes of this section, "respondent's agent" means a general agent, employee or attorney of the respondent.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5720 (September 4, 1987).

3103 ANSWERING THE NOTICE OF INFRACTION

3103.1 A respondent shall answer an NOI in accordance with this section within fifteen (15) days from the date of service of the NOI.

3103.2 In response to an NOI, a respondent shall do the following:

- (a) Answer the NOI in one of the following ways:
 - (1) Admit the infraction;
 - (2) Admit the infraction with explanation; or
 - (3) Deny the commission of the infraction; and
- (b) Otherwise complete, sign, and date the answer form on the back of the NOI.

3103.3 If a respondent admits an infraction, the respondent shall include payment of the fine with the respondent's answer.

- 3103.4 Payment of a fine shall not relieve the respondent of the obligation to abate an infraction cited in the NOI.
- 3103.5 If a respondent admits an infraction with explanation, the respondent shall indicate on the back of the NOI whether respondent requests a hearing or adjudication by mail. If a respondent fails to indicate whether a hearing or adjudication by mail is requested, the Director shall schedule a hearing and send the respondent a notice of hearing.
- 3103.6 If a respondent denies an infraction, the Director shall schedule a hearing and send the respondent a notice of hearing.
- 3103.7 A notice of hearing sent pursuant to this chapter shall inform the respondent of the following:
- (a) The fact that a hearing has been scheduled;
 - (b) The time, date, and location of the hearing; and
 - (c) The respondent's rights at the hearing.
- 3103.8 A respondent may answer an NOI in person or by mail.
- 3103.9 To answer an NOI in person, a respondent shall appear at the following address between the hours of 8:30 a.m. - 4:00 p.m., Monday through Friday, except on legal holidays:
- Department of Consumer and Regulatory Affairs
Office of Civil Infractions
613 G Street, N.W., 7th floor
Washington, D.C. 20001**
- 3103.10 To answer an NOI by mail, a respondent shall mail the completed NOI, postmarked within fifteen (15) days from the date of service, to the following address:
- Department of Consumer and Regulatory Affairs
Office of Civil Infractions
P.O. Box 37140
Washington, D.C. 20013-7200**
- 3103.11 If a respondent responds to an NOI and pays the stated fine, but fails to indicate an answer, the respondent shall be deemed to have admitted the infraction.
- 3103.12 If a respondent responds to an NOI but does not pay the stated fine, and fails to indicate an answer, the respondent shall be deemed to have denied the infraction, and the Director shall schedule a hearing.
- 3103.13 If a respondent fails to answer an NOI in a timely manner, the respondent shall not have a right to a hearing on the NOI or adjudication of the NOI by mail, unless the respondent shows good cause for the failure to answer the NOI in a timely manner.

- 3103.14 If a respondent challenges an NOI as defective on its face, an ALJ may review the NOI prior to a hearing and, if the ALJ determines that the NOI is defective on its face, dismiss the NOI. If the ALJ does not dismiss the NOI, the respondent shall be deemed to have denied the infraction and the Director shall schedule a hearing. The respondent's evidence presented in support of the denial may include evidence on whether the NOI is defective.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5721 (September 4, 1987).

3104 ABATEMENT OF INFRACTIONS

- 3104.1 The Director shall monitor and verify the abatement of all infractions.
- 3104.2 The requirements of this section shall apply to respondents who have admitted an infraction, admitted an infraction with explanation, or were found to have committed an infraction in a decision of an ALJ.
- 3104.3 A respondent subject to this section shall be required to certify that each infraction listed on the NOI has been abated, subject to penalties for false statements under §404 of the D.C. Theft and White Collar Crimes Act of 1982, D.C. Code §22-2514 (1996 Repl. Vol.).
- 3104.4 The Director may request a respondent subject to this section to complete and submit to the Director a Notice of Verification certifying that an infraction has been abated.
- 3104.5 A Notice of Verification certifying abatement of an infraction shall include the following:
- (a) A list of all infractions cited;
 - (b) The name of the person in violation;
 - (c) The respondent's license or permit number;
 - (d) A complete description of the actions taken to abate the infraction;
 - (e) The respondent's signature; and
 - (f) Any other information that the Director may require.
- 3104.6 The Director may, at any time, request that a respondent provide additional information pertaining to the verification of an abated infraction.
- 3104.7 The Director shall issue an additional NOI after reinspection, if the Director determines that the cited infraction continues to exist.
- 3104.8 A respondent's failure to certify that an infraction has been abated as required in the decision of the ALJ may be referred to the Office of Compliance for appropriate action.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5722 (September 4, 1987).

3105 FAILURE TO ANSWER THE NOTICE OF INFRACTION

3105.1 If a respondent fails to answer an NOI within fifteen (15) days of date of service, the Director shall issue and serve upon respondent a second NOI, in a form prescribed by the Director.

3105.2 A second NOI shall include the following:

- (a) The name and address of the respondent;
- (b) An identification of the NOI to which the respondent has failed to respond in a timely manner, and the amount of the fine and penalty for such failure to respond;
- (c) Notification of the following:
 - (1) That the respondent is subject to a penalty equal to the amount of the fine because of the respondent's failure to respond to the initial NOI in a timely manner, unless the respondent shows good cause for the failure to respond to the NOI in a timely manner;
 - (2) That the respondent has a right to a hearing to show good cause for the failure to respond to the NOI in a timely manner and that, if the ALJ determines that there is good cause, the respondent has a right to a hearing on the infraction;
 - (3) That, if the respondent fails to pay the fine and penalty or request a hearing within fifteen (15) days of the date of service of the second NOI the following shall occur:
 - (A) The penalty for failure to answer in a timely manner shall increase to twice the amount of the initial fine and the respondent's license or permit may be suspended; and
 - (B) The respondent shall be required to appear at a hearing to show cause why the respondent's license or permit should not be suspended for such failure to make timely payment or request a hearing;
 - (4) That the respondent has no right to adjudication of the infraction by mail; and
 - (5) That the acceptable forms of payment are as follows:
 - (A) Cash, which is not acceptable by mail; or
 - (B) A personal check, company check, certified check, cashier's check, postal money order, or bank money order payable to the order of the District of Columbia Treasurer; and

- (d) Any other information that the Director may require.
- 3105.3 A second NOI signed by the Director shall be prima facie evidence that the respondent has not answered the initial NOI in a timely manner.
- 3105.4 A second NOI shall be served and answered in the same manner as an initial NOI, with the following exceptions:
- (a) If a respondent admits the infraction, the respondent is required to include payment of the penalty, in addition to the fine, with the answer;
 - (b) Respondent has no right to adjudication of the infraction by mail; and
 - (c) Respondent has no right to a hearing on the infraction unless the respondent shows good cause for the failure to timely answer the initial NOI. To show good cause, a respondent shall request a hearing in the manner provided by §3103 within fifteen (15) days of the date the second NOI is served. Upon a showing of good cause, an ALJ may either proceed to consider the infraction or require the respondent to request another hearing on the infraction.
- 3105.5 A respondent who fails to answer a second NOI within fifteen (15) days of service:
- (a) Shall have no right to a hearing on the infraction unless the respondent establishes good cause for the failure to answer; and
 - (b) Shall be required to appear at a hearing to show cause why the respondent's license or permit should not be suspended for such failure to answer.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5723 (September 4, 1987).

3106 ADJUDICATION BY MAIL

- 3106.1 Adjudication by mail shall be available only to a respondent who answers an initial NOI in a timely manner and admits the infraction with explanation.
- 3106.2 A respondent who admits an infraction with explanation shall submit with the NOI all evidence of mitigating circumstances or other evidence relevant to the respondent's explanation.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5725 (September 4, 1987).

3107 PRE-HEARING FILINGS

- 3107.1 The Director may require that the parties file, at least five (5) days prior to the hearing and on a form approved by the Director, the following information:
- (a) The name and address of each witness who may be called to testify during the hearing;
 - (b) The name and address of each expert witness who may be called to testify, together with a copy of any written report prepared by that expert witness;

- (c) The approximate length of time required by each party to present its case during the hearing;
- (d) A certification by the person filing that a true copy of the filed document has been served on all parties; and
- (e) Any other information that the Director may determine to be necessary for the more efficient scheduling and operation of the hearing process.

3107.2 The parties may enter stipulations into the record.

3107.3 No pre-hearing filing shall be accepted within five (5) days prior to the scheduled hearing date without the authorization of the ALJ.

3107.4 A request for continuance shall be submitted in writing.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5726 (September 4, 1987).

3108 MOTIONS

3108.1 Parties, witnesses, and other persons may file appropriate motions, including motions to intervene or to join another party to the action.

3108.2 A party filing a motion shall serve it on all parties to the hearing.

3108.3 A party opposing a motion shall respond to the motion filed by hand delivering the response to the address set forth at §3103.9 within five (5) days of the date the motion was served, or by mailing the response to the address set forth at §3103.10 postmarked within five (5) days of the date the motion was served.

3108.4 Failure to respond to a motion within the time provided in §3108.3 shall constitute sufficient grounds for the ALJ, in the ALJ's discretion, to grant the original motion as being unopposed.

3108.5 Unless a party requests oral argument on a motion and the ALJ grants the request, the ALJ may dispose of the motion on written submissions.

3108.6 The ALJ may schedule a separate hearing on a motion or may consider it at the time of the hearing on the NOI.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5726 (September 4, 1987).

3109 CONDUCT OF HEARINGS

3109.1 A general partner may represent the partnership at a hearing.

3109.2 A director or officer of, or attorney for, a corporation may represent the corporation at a hearing.

- 3109.3 A respondent shall have the following rights at a hearing:
- (a) To appear and be heard in person or be represented by counsel;
 - (b) To examine the respondent's own witnesses and cross-examine opposing witnesses;
 - (c) To present all relevant evidence; and
 - (d) To have subpoenas issued to compel the attendance of witnesses and the production of relevant documents upon submission of a written request to an ALJ at least five (5) days prior to the hearing.
- 3109.4 If a respondent denies an infraction, the Director shall have the burden of proving the infraction by a preponderance of the evidence.
- 3109.5 All testimony shall be given under oath or affirmation.
- 3109.6 Parties at a hearing shall make objections in a timely manner and shall briefly state the grounds relied upon.
- 3109.7 At the conclusion of a hearing, the ALJ may hold open the hearing record for an appropriate period of time to allow for the production of additional documentary evidence or submission of briefs by the parties.
- 3109.8 A party filing documentary evidence after the hearing but before the record has closed, shall serve a copy of the evidence on the opposing party.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5727 (September 4, 1987).

3110 AMENDMENTS TO THE NOTICE OF INFRACTION

- 3110.1 If, during a hearing, the Director has cause to believe that the respondent committed an additional infraction for which the respondent has not been charged, the Director may move to amend the NOI during the hearing to add the new infraction.
- 3110.2 If the Director moves to amend a NOI pursuant to §3110.1, the ALJ shall grant a continuance when necessary for the respondent to defend adequately against the amended NOI, unless the respondent waives the right to a continuance.
- 3110.3 If, during a hearing, the Director proves that a respondent is a repeat violator of a rule, regulation, or law cited, the Director may move to amend the NOI consistent with this section.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5728 (September 4, 1987).

3111 RECORD OF PROCEEDINGS

- 3111.1 An official record of the hearing shall be maintained in each case, including, but not limited to, testimony and exhibits. A transcription of the hearing shall not be made unless requested pursuant to §3120.

- 3111.2 The testimony and exhibits, together with all papers filed in the proceedings, and materials or facts with respect to which official notice is taken, shall constitute the exclusive record of the hearing.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5728 (September 4, 1987).

3112 FAILURE TO APPEAR AT A HEARING

- 3112.1 If a respondent fails to appear for a scheduled hearing, and the hearing has not been continued, postponed, or rescheduled, the ALJ may receive evidence and hear testimony of witnesses who have appeared and render a final decision based on the evidence or may issue a default judgment against the respondent.

- 3112.2 A respondent who has failed to appear at a scheduled hearing may, before the ALJ issues a decision, make a request in writing to the ALJ that the hearing be reopened for good cause shown.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5728 (September 4, 1987).

3113 FINAL DECISION

- 3113.1 A decision of an ALJ shall be final upon issuance.

- 3113.2 A decision of an ALJ shall be in writing and must be issued within ninety (90) days of the date the hearing is concluded or the request for an adjudication by mail is received.

- 3113.3 A decision of an ALJ shall contain findings of fact, conclusions of law, an order, and a statement which informs the respondent of the right to an appeal.

- 3113.4 The decision shall be served in accordance with §3102.

- 3113.5 A decision of an ALJ finding that the respondent committed an infraction may notify the respondent that if the respondent fails to pay the fine, penalty, or costs within fifteen (15) days of the date of service of the decision, the respondent's license or permit shall be suspended until the respondent pays the fine, penalty, or costs.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5729 (September 4, 1987).

3114 COSTS AND PENALTIES

- 3114.1 A respondent may be subject to one or more of the following penalties and costs:

- (a) A penalty equal to the amount of the fine, if a respondent fails to answer an NOI within fifteen (15) days from the date of service;
- (b) A penalty equal to twice the amount of the fine, if a respondent fails to answer a second NOI within fifteen (15) days from the date of service;

- (c) An inspection fee of fifty dollars (\$50) for all reinspections and reinvestigations conducted by the Director in connection with an infraction;
- (d) A hearing fee of forty dollars (\$40), if the respondent is found fully liable for an infraction;
- (e) A witness fee of thirty-one dollars and fifty cents (\$31.50) for each witness subpoenaed on behalf of the respondent; and
- (f) A fee of one percent (1%) per month of the outstanding amount owed by a respondent for the installment service.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5729 (September 4, 1987); as amended by Final Rulemaking published at 42 DCR 6224 (November 10, 1995), effective December 8, 1995..

3115 INSTALLMENT AGREEMENTS AND PAYMENT

- 3115.1 No person shall be eligible to apply for an installment agreement except as provided in this section.
- 3115.2 A respondent who has been served a decision in which monetary sanctions of fifty dollars (\$50) or more have been imposed may, within fifteen (15) days after the date of service, request permission to make payments pursuant to an installment agreement.
- 3115.3 A respondent who has been served an NOI or second NOI, and who admits to infractions and penalties of fifty dollars (\$50) or more may, within fifteen (15) days after the date of service, request permission to make payments pursuant to an installment agreement.
- 3115.4 Installment applications shall be submitted on a form prescribed by the Director.
- 3115.5 Failure to submit a completed installment application along with all required documentation in a timely manner shall bar the respondent from receiving an installment agreement.
- 3115.6 An installment agreement shall inform the respondent of the respondent's obligations and shall contain the following information:
 - (a) The duration of the agreement, which shall be six (6) months or less;
 - (b) The due date for each installment payment;
 - (c) The terms and conditions of the agreement;
 - (d) That collection proceedings shall be initiated to collect the amount owed for respondent's failure to comply with the terms and conditions of the installment agreement;
 - (e) That the acceptable forms of payment are as follows:

- (1) Cash, which is not acceptable by mail; or
- (2) A personal check, company check, certified check, cashier's check, postal money order, or bank money order payable to the order of the District of Columbia Treasurer; and
- (f) That the respondent's license or permit may be suspended for failure to make timely payments.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5730 (September 4, 1987).

3116 PAYMENT

- 3116.1 The following shall be the only acceptable forms of payment of a fine, penalty, cost, or other charge imposed under this chapter or the Act:
- (a) Cash; or
 - (b) A personal check, company check, certified check, cashier's check, postal money order, or bank money order payable to the order of the District of Columbia Treasurer.
- 3116.2 A payment in the form of cash shall not be accepted by mail.
- 3116.3 A respondent's submission of a personal check, company check, certified check, cashier's check, postal money order, or bank money order that is returned due to insufficient funds or for any other reason, shall constitute a failure to pay and a failure to respond properly to an NOI, second NOI, or decision.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5731 (September 4, 1987).

3117 COLLECTION PROCEEDINGS

- 3117.1 The failure of a respondent to pay monetary sanctions imposed by an ALJ or to comply with a decision of an ALJ within fifteen (15) days of the date of service of the decision shall subject the respondent to suspension of the respondent's license or permit.
- 3117.2 The Director may refer to a collection agency or the Corporation Counsel cases which involve a respondent's failure to make timely payment for the initiation of civil proceedings to collect fines, penalties, and costs owed by the respondent. The civil proceedings may result in garnishment of wages, attachment of property, and liens and foreclosures against property.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5731 (September 4, 1987).

3118 ADMINISTRATIVE APPEALS

- 3118.1 This section shall apply to all appeals from decisions of ALJ's issued pursuant to the Act, except for appeals made to the District of Columbia Board of Appeals and Review.
- 3118.2 A notice of appeal from a decision issued by an ALJ shall be submitted in person or postmarked within fifteen (15) days from the date of service of the final decision.
- 3118.3 A notice of appeal of a decision shall include the following information.
- (a) That an appeal is taken;
 - (b) A copy or identification of the final decision from which the appeal is taken;
 - (c) A concise statement indicating why the respondent believes the final decision is wrong;
 - (d) The full name, street address, and telephone number of the respondent and the respondent's attorney or agent, if any; and
 - (e) The signature of the respondent, an officer of the respondent corporation, a partner of the respondent partnership, or respondent's attorney or agent.
- 3118.4 A notice of appeal may be submitted in person to the following address between the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday, except legal holidays:
- Department of Consumer and Regulatory Affairs
Office of Civil Infractions
613 G Street, N.W., 7th floor
Washington, D.C. 20001**
- 3118.5 A notice of appeal may be mailed to the following address:
- Department of Consumer and Regulatory Affairs
Office of Civil Infractions
P.O. Box 37140
Washington, D.C. 20013-7200**
- 3118.6 The Director shall transmit a notice of appeal, within one week of its receipt, to the appropriate board or commission along with a copy of the decision from which the appeal is taken.
- 3118.7 Appeals involving infractions of the Alcoholic Beverage Control Act, D.C. Code §25-101 *et seq.*, or rules issued pursuant thereto shall be heard by the District of Columbia Alcoholic Beverage Control Board.
- 3118.8 Appeals involving infractions of laws or rules governing occupations or professions shall be heard by the appropriate occupational or professional board or commission.

- 3118.9 Appeals involving infractions of the Rental Housing Act of 1985, D.C. Code §§45-2501 *et seq.*, or rules issued pursuant thereto shall be heard by the District of Columbia Rental Housing Commission.
- 3118.10 Appeals involving infractions of laws relating to zoning, D.C. Code §§5-601 *et seq.*, and rules issued pursuant thereto, shall be heard by the District of Columbia Board of Zoning Adjustment.
- 3118.11 Appeals involving infractions of law and rules not within the scope of §§3118.7 to 3118.10 shall be within the jurisdiction of the Board of Appeals and Review.
- 3118.12 A respondent shall pay a filing fee of ten dollars (\$10) plus the cost of preparing a transcript at the time a notice of appeal is filed.
- 3118.13 An administrative appeal filed by a respondent who has admitted an infraction with explanation shall be limited in scope to a determination of whether the monetary sanctions imposed were within the limitations prescribed by law.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5731 (September 4, 1987).

3119 STAY PENDING APPEAL

- 3119.1 The timely filing of a notice of appeal shall not operate to stay the final decision of an ALJ.
- 3119.2 Upon motion of the respondent, an ALJ may stay the imposition of any sanction imposed pending appeal.
- 3119.3 A respondent who submits a motion pursuant to this section shall state the reasons supporting the motion and the facts relied upon. If the facts are subject to dispute, the motion must be supported by affidavits or other documents the veracity of which is sworn to by the respondent or other person submitting such facts.
- 3119.4 A respondent who submits a motion pursuant to this section shall attach a copy of the final decision sought to be stayed.
- 3119.5 A motion submitted pursuant to this section shall be delivered in person or postmarked within fifteen (15) days of the date of service of the final decision to the address set forth in §3118.4 or 3118.5.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5733 (September 4, 1987).

3120 TRANSCRIPTS OF HEARINGS

- 3120.1 Transcripts of hearings may be ordered from the Director on a form prescribed by the Director.

- 3120.2 The fee for transcripts shall be three dollars and fifty cents (\$3.50) per page.
- 3120.3 A person ordering a transcript shall submit a deposit of fifty dollars (\$50) with the order.
- 3120.4 When the cost of a transcript has been determined to be less than the amount of the transcript deposit, the Director shall refund the amount by which the deposit exceeds the cost of the transcript.
- 3120.5 When the cost of a transcript is determined to exceed the amount of the transcript deposit, the person ordering the transcript shall pay the balance prior to the issuance of the transcript.
- 3120.6 The Director may waive all or part of the cost of a transcript in cases of financial hardship or other appropriate circumstances, as determined by the Director.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5733 (September 4, 1987).

3121 COMPUTATION OF TIME

- 3121.1 In computing any period of time specified in this chapter, the day of the act, event, or default shall not be counted, and the last day of the period shall be counted unless it is a Saturday, Sunday, or legal holiday, in which event the time period shall continue until the next day that is not a Saturday, Sunday, or legal holiday.
- 3121.2 An ALJ may waive any of the prescribed time periods established in this chapter or the Act, if the respondent requests a waiver in writing within one year of the date of service of the infraction, and shows to the satisfaction of the ALJ why the time period should be waived.

SOURCE: Final Rulemaking published at 34 DCR 5718, 5734 (September 4, 1987).

3199 DEFINITIONS

- 3199.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act - the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code §§6-2701 *et seq.*

Administrative Law Judge (ALJ) - a hearing examiner licensed to practice law in the District of Columbia and authorized to hear cases pursuant to the Act.

Day - a calendar day.

Director - the Director of the Department of Consumer and Regulatory Affairs, or a designee.

Legal holiday - one of the following days:

- (a) New Year's Day;
- (b) Martin Luther King, Jr.'s Birthday;
- (c) Washington's Birthday;
- (d) Memorial Day;
- (e) Independence Day;
- (f) Labor Day;
- (g) Columbus Day;
- (h) Veterans Day;
- (i) Thanksgiving Day;
- (j) Christmas Day;
- (k) Any other day designated as a legal holiday by the President, the Congress, the Mayor or the Council of the District of Columbia, on the actual day the legal holiday is celebrated by the government of the District of Columbia; and
- (l) Any other day on which the Department of Consumer and Regulatory Affairs is officially closed.

Date of service - date on which a notice or order is personally served or delivered pursuant to §3102.1(a) or 3102.1(b), or five (5) days after the date on which a notice or order is mailed pursuant to §3102.1(c).

SOURCE: Final Rulemaking published at 34 DCR 5718, 5734 (September 4, 1987).